

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

TONY EUGENE GRIMES,)
)
Plaintiff,)
)
vs.) 2:06-CV-1502-JHH-RRA
)
COMMISSIONER RICHARD ALLEN, et al.,)
)
Defendants.)

MEMORANDUM OF OPINION

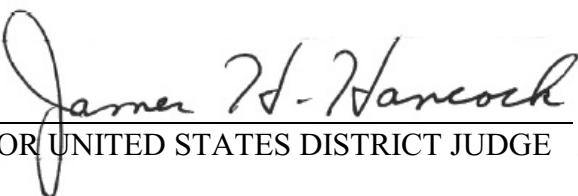
The magistrate judge filed a report and recommendation on January 20, 2009, recommending that the defendants' motion for summary judgment be granted and this cause be dismissed with prejudice. Plaintiff filed objections on April 20, 2009. (Doc.#79)

The plaintiff agrees with the assumptions made by the magistrate judge, but does not agree with the conclusion that there is no evidence to show that the plaintiff suffered a "serious or significant physical or mental injury" as a result of being provided an inadequate diet for twelve days. The plaintiff points to the weight loss he suffered as evidence to dispute that conclusion. The plaintiff asks the court to require the defendants to answer for failing to provide him adequate nutrition while he was in house arrest. The plaintiff also asks the court to reconsider the earlier dismissal of some defendants (Doc.#25), because "the 'mag.j.' did not have the vision that formed over the time in which he have now." (Doc.#79 p.6)

The motion to reconsider is DENIED. Moreover, having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, and the objections filed by the plaintiff, the court is of the opinion that the magistrate judge's report is due

to be and is hereby ADOPTED and his recommendation is ACCEPTED. The court EXPRESSLY FINDS that there are no genuine issues of material fact and that the defendants are entitled to judgment as a matter of law. Accordingly, defendants' motion for summary judgment is due to be GRANTED and this action is due to be DISMISSED WITH PREJUDICE. A Final Judgment will be entered.

DONE this the 23rd day of July, 2009.



SENIOR UNITED STATES DISTRICT JUDGE